



March 22, 2001

ENGROSSED SENATE BILL No. 126

DIGEST OF SB 126 (Updated March 20, 2001 3:52 PM - DI 77)

Citations Affected: IC 35-48.

Synopsis: Controlled substances used to treat obesity. Codifies a non-code statute that allows a physician to prescribe or otherwise provide for a patient any amphetamine, sympathomimetic amine drug, or compound designated as a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity under certain conditions.

Effective: July 1, 2001.

Landske, Craycraft
(HOUSE SPONSOR — HASLER)

January 8, 2001, read first time and referred to Committee on Health and Provider Services.

February 15, 2001, amended, reported favorably — Do Pass.

February 19, 2001, read second time, ordered engrossed. Engrossed.

February 20, 2001, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Public Health.

March 21, 2001, reported — Do Pass.

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March 22, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 126

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-48-3-11, AS ADDED BY P.L.157-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 11. (a) Only a physician licensed under IC 25-22.5
4 may treat a patient with a Schedule III or Schedule IV controlled
5 substance for the purpose of weight reduction or to control obesity.
6 (b) A physician licensed under IC 25-22.5 may not prescribe,
7 dispense, administer, supply, sell, or give any amphetamine,
8 sympathomimetic amine drug, or compound designated as a Schedule
9 III or Schedule IV controlled substance under IC 35-48-2-8 and
10 IC 35-48-2-10 for a patient for purposes of weight reduction or to
11 control obesity, unless the physician does the following:
12 (1) Determines:
13 (A) through review of:
14 (i) the physician's records of prior treatment of the patient;
15 or
16 (ii) the records of prior treatment of the patient provided by
17 a previous treating physician or weight loss program;

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that the physician's patient has made a reasonable effort to lose weight in a treatment program using a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise without using controlled substances; and

(B) that the treatment described in clause (A) has been ineffective for the physician's patient.

(2) Obtains a thorough history and performs a thorough physical examination of the physician's patient before initiating a treatment plan using a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity.

(c) A physician licensed under IC 25-22.5 may not begin and shall discontinue using a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity after the physician determines in the physician's professional judgment that:

(1) the physician's patient has failed to lose weight using a treatment plan involving the controlled substance;

(2) the controlled substance has provided a decreasing contribution toward further weight loss for the patient unless continuing to take the controlled substance is medically necessary or appropriate for maintenance therapy;

(3) the physician's patient:

(A) has a history of; or

(B) shows a propensity for; alcohol or drug abuse; or

(4) the physician's patient has consumed or disposed of a controlled substance in a manner that does not strictly comply with a treating physician's direction.

~~(d) A physician licensed under IC 25-22.5 may not prescribe, order, dispense, administer, supply, sell, or give any:~~

~~(1) amphetamine;~~

~~(2) sympathomimetic amine drug; or~~

~~(3) compound;~~

designated as a Schedule III or Schedule IV controlled substance as provided in IC 35-48-2-8 and IC 35-48-2-10 for purposes of weight reduction or to control obesity for a patient for more than three (3) nonrefillable thirty (30) calendar day supplies in any three hundred sixty-five (365) day period. The physician shall reevaluate the patient before prescribing, ordering, dispensing, administering, supplying, selling, or giving the second or third nonrefillable thirty (30) calendar day supply of a controlled substance as provided in this subsection.

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as coauthor of Senate Bill 126.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 126, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Page 1, delete lines 1 through 3, begin a new paragraph and insert: "SECTION 1. IC 35-48-3-11, AS ADDED BY P.L.157-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) Only a physician licensed under IC 25-22.5 may treat a patient with a Schedule III or Schedule IV controlled substance for the purpose of weight reduction or to control obesity.

(b) A physician licensed under IC 25-22.5 may not prescribe, dispense, administer, supply, sell, or give any amphetamine, sympathomimetic amine drug, or compound designated as a Schedule III or Schedule IV controlled substance under IC 35-48-2-8 and IC 35-48-2-10 for a patient for purposes of weight reduction or to control obesity, unless the physician does the following:

(1) Determines:

(A) through review of:

(i) the physician's records of prior treatment of the patient; or

(ii) the records of prior treatment of the patient provided by a previous treating physician or weight loss program; that the physician's patient has made a reasonable effort to lose weight in a treatment program using a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise without using controlled substances; and

(B) that the treatment described in clause (A) has been ineffective for the physician's patient.

(2) Obtains a thorough history and performs a thorough physical examination of the physician's patient before initiating a treatment plan using a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity.

(c) A physician licensed under IC 25-22.5 may not begin and shall discontinue using a Schedule III or Schedule IV controlled substance for purposes of weight reduction or to control obesity after the physician determines in the physician's professional judgment that:

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(1) the physician's patient has failed to lose weight using a treatment plan involving the controlled substance;

(2) the controlled substance has provided a decreasing contribution toward further weight loss for the patient unless continuing to take the controlled substance is medically necessary or appropriate for maintenance therapy;

(3) the physician's patient:

(A) has a history of; or

(B) shows a propensity for;
alcohol or drug abuse; or

(4) the physician's patient has consumed or disposed of a controlled substance in a manner that does not strictly comply with a treating physician's direction.

~~(d) A physician licensed under IC 25-22.5 may not prescribe, order, dispense, administer, supply, sell, or give any:~~

~~(1) amphetamine;~~

~~(2) sympathomimetic amine drug; or~~

~~(3) compound;~~

~~designated as a Schedule III or Schedule IV controlled substance as provided in IC 35-48-2-8 and IC 35-48-2-10 for purposes of weight reduction or to control obesity for a patient for more than three (3) nonrefillable thirty (30) calendar day supplies in any three hundred sixty-five (365) day period. The physician shall reevaluate the patient before prescribing, ordering, dispensing, administering, supplying, selling, or giving the second or third nonrefillable thirty (30) calendar day supply of a controlled substance as provided in this subsection."~~

~~and when so amended that said bill do pass.~~

~~(Reference is to SB 126 as introduced.)~~

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 13, nays 0.

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